



Council Meeting Minutes
June 28, 2021
6:30pm via Videoconference and In-Person

Mayor: Jody Carney – Fiscal Officer: Renee’ Sonnett – Solicitor: Paul-Michael La Fayette
Council Members: L. Giaimo, S. Heineman, S. Pine, F. Reed, J. Rucker, M. Terry

Staff present: Haley Lupton (Management Analyst), Nathan Cahall (Administrator), Renee Sonnett (Fiscal Officer), Taylor Brill (Planner), Dale McKee (Police Chief), Phillip Greenbaum (Detective), Doug Holthus (Solicitor)

Call to Order

Mayor Carney called the meeting to order at 6:30pm, followed by the Pledge of Allegiance.

Roll Call:

Present – Mayor Carney L. Giaimo, S. Heineman, S. Pine, F. Reed, J. Rucker

Absent – M. Terry

Approvals:

Ms. Pine motioned to approve the June 28, 2021 Council Meeting Agenda, seconded by Mr. Reed. All in favor.

Ms. Pine motioned to approve the June 14, 2021 Council Meeting Minutes, as amended, seconded by Ms. Giaimo. All in favor.

Recognition of Detective Phillip Greenbaum for 20 years of service

Mayor Carney presented Detective Greenbaum with a certificate and thanked him for his many years of dedicated service. Chief McKee added Detective Greenbaum’s contributions to the force, and his many successes through the years.

Proclamation: Recognizing Members of the Plain City Charter Committee

Mayor Carney presented a proclamation to all members of the Charter Committee. She thanked the members, who dedicated a large portion of their time over the last year.

Members include Carrie McGlaughlin, Justin Brammer, Galen Troyer, Mike Malone, Tony Matessa, Todd Skidmore, Sherry Headlee, Amy Rucker, Bobbi Watkins, Aaron Lewis, Missy McCoy, Linda Beachy, Jim Baker, Kerri Ferguson and Jim Eudaily.

Visitors:

Resident Mike Walter - Mr. Walter has an issue with the noise coming from the Grainery on Friday and Saturday evenings. The police have stated that they cannot do anything else about it, but Mr. Walter believes the loud music is interrupting quiet neighborhoods. Council responded that the noise ordinance would be further reviewed at the July Worksession.

Business Owner Tim Dawson – Mr. Dawson is the owner of the Grainery. He responded to Mr. Walter's comments. Per Mr. Dawson, he has followed all proper procedures and worked with the Village on installing the stage at the Grainery. He believes the music is within the limits of the ordinance.

Chief McKee also noted that the noise ordinance allows for extended hours on Fridays and Saturdays. He agrees that the ordinance can have vague interpretations, but noise is hard for the police force to regulate.

The noise ordinance will be added to the July Worksession agenda.

Reports:

Mayor

- Fourth of July is Sunday. The parade is happening at 3pm. There is still time to sign up for the parade and the application is online. Mr. Perry Yoder will be the grand Marshall.
- The Farmer's Market will also be held on Sunday at the Flatiron.
- Inaugural performance of the Plain City Community Singers will be taking place at the park during the Fourth of July.
- Open House for the new Administration building is Thursday., July 1. Ice cream will be available.

Police Chief

- After being requested, Officer Gary Sigrist will be a presenter at the Ohio Attorney General's 2021 Law Enforcement Conference. He will be discussing Redefining the Role of Law Enforcement in School Safety.
- PD supervisors completed internal interviews and assessments for the new Sergeant position. Chief McKee thanked Village Administrator, Nathan Cahall with his assistance with this. Panel interviews are scheduled for July 7, 2021.
- Officer Drudy completed Advanced Firearms and Self Defense Tactics at the State Highway Patrol Academy.
- The Plain City 4 Mile Run went without incident on 6/26/2021.
- Officer Hogston has satisfactorily completed his six-month probationary period and it is Chief McKee's recommendation that he be removed from probation according to section 737.17 of the Ohio Revised Code.

Ms. Pine motioned to remove Officer Cody Hogston from probation, seconded by Ms. Giaimo. All in favor.

Administrator

- Gay Street is making progress. The sidewalks have been installed and the street base should be installed soon. Mr. Cahall appreciates the resident's patience.
- The Streetscape project is on track to be bid and construction should begin in August.
- The closing for the Uptown Parking Lot project is done, and plans should be received by the end of the week.
- Executing the purchase agreement for the Jackson Street property, hopefully this week.
- Final construction estimates for the northern water distribution line are complete. Material pricing has increased, so the project cost is over the budgeted amount. Council will need to provide guidance on if this project should be completed this year or can be pushed to early next year.
- There is a budget bill amendment that has been introduced to further reduce all American Recovery Plan Act funds, to allow for funding to go to townships. Originally, we were supposed to received \$450,000 this year but that has been reduced to \$240,000. This is something Council will have to analyze.
 - Mr. Reed noted that he saw that the amount would be reduced, and this is something Personnel & Finance will discuss.

President Pro Tem

- July Council meeting updates

Solicitor

- Nothing to report.

Capital Improvement

- Meeting on Wednesday.

BZA

- Did not meet in June but will meet in July.

Planning & Zoning

- Ms. Pine went to her last meeting. P&Z recommended approval of the Final Plats 1 & 2 for the Run at Hofbauer Preserve
- There was also some discussion on the property south of Madison Meadows, for possible expansion.
 - Mr. Reed asked about the Madison Meadows construction traffic. Mr. Cahall responded that the contractor has been encouraged to stay off the residential streets. The drop yard was supposed to be the laydown area and will be soon when they are to that point of construction.

Parks and Rec

- Nothing to report.

Personnel & Finance

- Meeting June 30 at 7pm to discuss budget issues and Capital Improvement Project

Fire

- Next meeting is Thursday at the Firehouse.
- Mr. Rucker participated in Captain interviews last week and is pleased with the strong talent available.

Design Review Board

- No meeting this month.

Public Hearing:

Appeal: DRB Denial of Application COA-21-9; Certificate of Appropriateness; 150 W Main Street, Plain City, Ohio: Second Story Deck. (Application #APL-21-1)

Public Hearing opened at 7:15pm.

Public Hearing participants:

Eric Medici, resident

Ina Medici, resident

Tim Dawson, applicant

Council participated in a discussion about the procedure of an appeal. Mr. Reed maintained that the applicant must allege an error was made by the Design Review Board in order to appeal.

Mr. Cahall explained that an appeal can be filed, and Council is being asked to rehear the case and render their own decision.

Mr. Holthus believes that the applicant believes there is an error - the error must be identified and then Council can decide if the DRB decision should be upheld or overturned, but he believes that the applicant should be allowed due process. If the applicant appeals, then Council is required to hear the case.

Mr. Holthus swore in Mr. Dawson and Mr. Medici.

Mr. Dawson alleges that Mr. Reed and Mr. Medici have discussed the Design Review Board appeals and he does not believe he will get a fair shot at an appeal. However, he displayed pictures of a potential balcony design, and the drawings with dimensions and materials for his project.

Mr. Medici spoke about the need to retain the historical façade of the building.

Mrs. Medici added some more information about the history of Uptown Plain City and expressed her concerns for covering up the bricks on the building in question.

Public hearing closed at 7:54pm.

Ms. Pine presented an example of what she would like to see instead of the proposed balcony. The demonstrated image should a balcony, without the large structure on the bottom. Ms. Pine encouraged Mr. Dawson to keep updating the buildings but maybe with something that fit into the look of Uptown better. Ms. Heineman agreed.

Ms. Giaimo stated that the bottom could be kept but the top of the structure definitely covers up a lot of the building.

Ms. Pine motioned to affirm the decision of the Design Review Board and deny Application COA-21-9, seconded by Mr. Reed. All in favor, Mr. Rucker abstained.

Appeal: DRB Denial of Application COA-21-12; Certificate of Appropriateness; 132 N Chillicothe Street, Plain City, Ohio: Install Outdoor Patio Fencing. (Application #APL-21-2)

Public hearing opened at 7:59pm.

Public Hearing participants:

Eric Medici, resident

Ina Medici, resident

Tim Dawson, applicant

Mr. Medici spoke about the need to maintain enough spacing on the sidewalk to ensure that the Village's Streetscape plan could be installed in the future. He is also concerned about the spacing around the electric pole on the sidewalk. Mr. Medici stressed that Mr. Dawson did not submit adequate information to the Design Review Board for the original application.

Mrs. Medici spoke about how the design of the patios should have included more information than just the material. Better pictures and sketches would have helped to picture the sidewalk and streetscape, and how they would be affected by the patio.

Mr. Dawson (applicant) provided Council with pictures and sketching of what the patio would look like. He ensured that the placement of the fence would have to go through the Village before it was installed, to ensure ADA regulations, and the electric pole regulations. He could not have demonstrated the outline before knowing the complete requirements from the Village. The material being used for the patio railing is consistent with the patio at the Grainery.

Mr. Reed noted that the biggest objection at the Design Review Board was that information was lacking. They could not picture the project. Mr. Dawson was given the opportunity to table the application but choose instead to have them vote. In Mr. Reed's opinion, this was the main detriment to the vote.

Ms. Pine asked if Mr. Dawson was given the opportunity to table the application, he was but still felt that dimensions would not have been approved until discussion with Village staff in the right of way application. Mr. Dawson believes the discussion about the design was rejected for reasons beyond design.

Public hearing closed at 8:17pm.

Council discussed the intention of the Design Review Board appeal and whether it is allowed to have a Certificate of Appropriateness. Mayor Carney mentioned that the patio railing has already been approved in other locations, but Mr. Reed noted that the entire fencing is on the table. Ms. Pine clarified that Council is considering whether the Design Review Board made the correct choice. Ms. Pine added that she believes the property owner should have tabled the discussion and brought back more information, which may have resulted in a different decision.

Ms. Heineman is not opposed to a patio on this property but does believe that more information should have been presented.

Ms. Brill clarified that the intention of the Design Review Board was to review both the materials and the new use of the sidewalk.

Ms. Giaimo agreed with Ms. Pine, that more information should have been given to the Board. Ms. Pine added that approval could not be given just because another property had approval.

Mr. Reed added that he does not believe the sidewalk would be ADA compliant. Ms. Pine noted that, even if DRB approves a patio, ADA requirements still must be followed.

Mr. Cahall responded that, yes, if the patio is approved, it will be reviewed to ensure it does not encroach in the public right of way. If it will, the applicant would need to obtain permission through the right of way occupancy ordinances. Staff reviews each permit and ensures that public right of way access is still available.

Mr. Reed motioned to affirm the decision of the Design Review Board and deny Application COA-21-12, seconded by Ms. Pine. All in favor, Mr. Rucker abstained.

Old Business:

3rd Reading - Ordinance 20-2021: An Ordinance Accepting the Transfer of PID#113450 Johnson Court/Gray Street Parcel from The Ohio Department of Transportation

Ms. Pine motioned to approve Ordinance 20-2021, seconded by Ms. Giaimo. All in favor.

3rd Reading – Resolution 16(a)-2021: A Resolution Amending the Village of Plain City Employee Policies and Procedures Handbook

Ms. Pine motioned to approve Resolution 16(a)-2021, seconded by Ms. Giaimo. All in favor.

3rd Reading – Resolution 17-2021: A Resolution Authorizing the Village Administrator to Apply for An Ohio Department of Transportation Permit

Ms. Pine motioned to approve Resolution 17-2021, seconded by Ms. Giaimo. All in favor.

2nd Reading – Resolution 22-2021: A Resolution Authorizing the Village Administrator to Enter into an Employment Agreement for the Position of Finance Director, and Declaring an Emergency

Ms. Pine motioned to waive three readings for Resolution 22-2021, seconded by Mr. Reed. All in favor.

Ms. Pine motioned to approve Resolution 22-2021, seconded by Ms. Heineman. All in favor.

2nd Reading – Resolution 23-2021: A Resolution Amending Resolution 05-2021 Authorizing the Sale of Impounded Vehicles

New Business:

1st Reading – Resolution 24-2021: A Resolution Amending the Employment Agreement for the Village Administrator, and Declaring an Emergency

Mr. Rucker motioned to waive three readings for Resolution 24-2021, seconded by Ms. Pine. All in favor.

Mr. Rucker motioned to approve Resolution 24-2021, seconded by Ms. Pine. All in favor.

Motion: Authorizing the Village Administrator to Accept the Bid of, and Execute an Agreement with Decker Construction, for the 2021 Paving Program in the amount of \$164,424.60, And Authorizing the Administrator to Expand the Scope of Work Not to Exceed the 2021 Budgeted Limits for the Street Capital Fund

Ms. Pine motioned to approve the Paving Program agreement, seconded by Ms. Giaimo. All in favor.

Motion: Planning and Zoning Commission Recommendation, PZ-21-17: The Run at Hofbauer Preserve Section 1 Final Plat, Rockford Homes

Mr. Reed asked Mr. Cahall to confirm that paths would be installed at the back portion of these properties. Mr. Cahall confirmed they would.

Ms. Pine motioned to accept PZ-21-17, seconded by Ms. Giaimo. All in favor.

Motion: Planning and Zoning Commission Recommendation, PZ-21-18: The Run at Hofbauer Preserve Section 2 Final Plat, Rockford Homes

Ms. Pine motioned to accept PZ-21-18, seconded by Ms. Giaimo. All in favor.

Discussion Items:

Charter Transition

Mr. Reed included a formatted blank Council rules document in today's packet. Mr. Reed hopes to pass something on July 7, since the Charter requires Council to have rules. The intention would be to fill in the document over time. He will include more information for the July Worksession.

Mr. Reed would also like to remind Council that the Personnel Board of Appeals needs formed. Direction will be needed from Council. This will be a Worksession agenda item.

Mr. Reed would like to potentially merge the Personnel & Finance Committee and CIP and form the Personnel Committee as a separate Committee.

Mr. Reed mentioned that videoconferencing allowance will expire at the end of June. Ohio State Law allows you to exempt yourself from Open Meetings, but Mr. Holthus disagrees. He believes that there are certain exemptions, but you cannot exempt totally. Mr. Reed would like to allow videoconference options to Council meetings when a councilmember cannot physically attend. This would require a Charter amendment and vote on the change. This will be a Worksession topic.

July Council Meeting Schedule

Mayor Carney asked Council if they would be amenable to cancelling the July 12 Council meeting and adding the third reading of Resolution 23-2021 to Council Worksession.

Ms. Pine motioned to hold a Special Council meeting on July 7, followed by Worksession, and cancel the Council meeting on July 12, seconded by Mr. Reed. All in favor.

Executive Session –

Entered at 8:43pm.

Executive Session – Pursuant to Ohio Revised Code Section 121.22 G (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

Ms. Giaimo motioned to enter executive session, seconded by Ms. Pine. All in favor.

Mr. Rucker motioned to exit executive session, seconded by Ms. Pine. All in favor.

Meeting adjourned at 9:52pm.